

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
GREAT FALLS DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

BILLY JOE CURTIS,

Defendants.

CR-09-86-GF-BMM-01

**ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS**

United States Magistrate Judge John Johnston entered Findings and Recommendations in this matter March 6, 2017. (Doc. 97.) Neither party filed objections. When a party makes no objections, the Court need not review *de novo* the proposed Findings and Recommendations. *Thomas v. Arn*, 474 U.S. 140, 149-52 (1986). This Court will review Judge Johnston's Findings and Recommendations, however, for clear error. *McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc.*, 656 F.2d 1309, 1313 (9th Cir. 1981).

Judge Johnston conducted a revocation hearing on February 28, 2017. (Doc. 93.) Judge Johnston found that the United States met its burden to prove that Curtis committed a violation of his supervised release by refusing to submit to a breathalyzer test. (Doc. 97 at 1.) The violation proves serious and warrant revocation of Curtis's supervised release. Judge Johnston has recommended that

the Court revoke Curtis's supervised release and commit Curtis to the custody of the Bureau of Prisons for six months on Count I and six months on Count II, to run concurrently. (Doc. 97 at 5.) Judge Johnston further has recommended that Curtis's term of custody be followed by 22 months of supervised release on each count, to run concurrently.

The Court finds no clear error in Judge Johnston's Findings and Recommendations. Curtis's violation of his conditions represents a serious breach of the Court's trust. A sentence of six months custody followed by 22 months of supervised release represents a sufficient, but not greater than necessary, sentence.

IT IS ORDERED that Judge Johnston's Findings and Recommendations (Doc. 97) is ADOPTED IN FULL.

IT IS FURTHER ORDERED that Defendant Billy Joe Curtis be sentenced to six months custody on Count I and six months custody on Count II, to run concurrently. The period of custody shall be followed by 22 months of supervised release on each count, to run concurrently. The conditions previously imposed shall be continued.

DATED this 23rd day of March, 2017.



Brian Morris
United States District Court Judge